APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,591	03/14/2006	Irun R. Cohen	30070	6831

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EXAMINER
MARTELLO, EDWARD

ART UNIT	PAPER NUMBER
2628	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/542,591	COHEN ET AL.
	Examiner	Art Unit	
	EDWARD MARTELLO	2628	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 June 2010</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-33</u> is/are pending in the application.
       4a) Of the above claim(s) <u>13-33</u> is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-12</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>07 June 2010</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
       Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
       Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
       a)☐ All   b)☐ Some * c)☐ None of:
          1.☐ Certified copies of the priority documents have been received.
          2.☐ Certified copies of the priority documents have been received in Application No. _____.
          3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
       * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
       Paper No(s)/Mail Date <u>See Continuation Sheet</u>.
4) ☐ Interview Summary (PTO-413)
       Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

U.S. Patent and Trademark Office
PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20110106

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :05/20/2010, 06/06/2010 & 10/12/2010.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 07 June 2010 has been entered.

2.   Claim 1 is amended, claims 6-9 and 12 are as previously presented, claims 2-5 and 10-11

are as originally presented and claims 13-33 were previously withdrawn.

Drawings

3.   The drawings were received on 07 June 2010. These drawings are accepted and entered

into the record.

4.   The Applicants' amendment has necessitated the new grounds of rejection that follow.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

The factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness
        or nonobviousness.

5.   Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perlin et al.

(U. S. Patent 6,285,380 B1, already of record, hereafter '380) and in view of Mochizuki et al. (U.

S. Patent 6,414,684 B1, already of record, hereafter '684).

6.   Regarding claim 1 (Currently Amended), Perlin teaches a computer implemented method

('380, col. 19, ln. 57-60) for producing animation of a system having a behavior ('380; Abstract),

the method comprising: in a first environment: providing a reactive model of system overall

behavior ('380; fig. 1; col. 4, ln. 3-17; col. 17, ln. 21-24; col. 18, ln. 17-19, reactive model

examples); and creating animation primitives for animating said model ('380; fig. 1, element 20,

animation engine; col. 4, ln. 21-48), using a first tool for implementing said animation primitives

('380; col. 4, ln. 21-24) and a second tool for implementing said reactive model of system overall

behavior ('380; fig. 1, element 30, behavior engine;), said second tool being detached from said

first tool ('380; fig. 1; Abstract; col. 16, ln. 1-17, an example were the Behavior Engine {the first

tool} is on one LAN of a distributed computing environments and multiple Animation Engines

{second tool} are on different processors on the same LAN and even on different LAN's) and

in a runtime environment ('380; Abstract; col. 16, ln. 1-17, an example were the Behavior

Engine {the first tool} is on one LAN of a distributed computing environments and multiple

Animation Engines {second tool} are on different processors on the same LAN and even on

different LAN's demonstrating several different runtime environments) , said runtime

environment being a different environment from said first environment ('380; Abstract; col. 16,

ln. 1-17): but does not explicitly teach detecting events associated with said system; selecting

respectively animation primitives according to said model of overall system behavior and said

events; and combining together said respective animation primitives representing said detected

events; thereby to create an overall animation.

7.   Mochizuki, working in the same field of endeavor, however, teaches detecting events

associated with said system ('684; fig. 14-15); selecting respectively animation primitives

according to said model of overall system behavior and said events ('684; fig. 5, Processes 61-

78); and combining together said respective animation primitives representing said detected

events ('684; fig. 5, Processes 61-78); thereby to create an overall animation ('684; Abstract; fig.

5; col. 52, ln. 6 through col. 58, ln. 3) for the benefit of providing an easy to use state based

animation modeling environment responsive to easily specified events and state transition

descriptors.

8.   It would have been obvious to one or ordinary skill in the art at the time of the invention

to have combined the state based animation teachings of Mochizuki with the easy to model

independent behavioral engine, animation engine and runtime environment teachings of Perlin

for the benefit of providing an easy to use state based animation modeling environment

responsive to easily specified events and state transition descriptors.

9.   In regard to claim 2 (Original), Mochizuki further teaches wherein said plurality of events comprises a plurality of temporal samples or a plurality of scenarios ('684; fig. 15a- 15d; col. 55, ln. 47 through col. 56, ln. 33).

10.   Regarding claim 3 (Original), Perlin and Mochizuki teach the method according to claim 1 and Mochizuki further teaches wherein said plurality of events comprises a plurality of states ('684; fig. 13b; states A through H; col. 47, ln. 65 through col. 48, ln. 43).

11.   In regard to claim 4 (Original), Mochizuki further teaches the method as further comprising: determining at least one transition between said plurality of states ('684; fig. 13b; states A through H); col. 47, ln. 65 through col. 48, ln. 43).

12.   Regarding claim 5 (Original), Mochizuki further teaches wherein said at least one transition is determined according to at least one rule ('684; col. 47, ln. 23).

13.   In regard to claim 6 (Previously Presented), Perlin and Mochizuki teach the method of claim 3 and Mochizuki further teaches wherein said creating said animation primitives further comprises creating animation primitives of said at least one transition ('684; fig. 13b; states A through H; col. 47, ln. 65 through col. 48, ln. 43).

14.   Regarding claim 7 (Previously Presented), Perlin and Mochizuki teach the method of

claim 3 and Mochizuki further teaches wherein said state represents an interaction between a

plurality of objects ('684; col. 53, ln. 51 through col. 54, ln. 7).

15.   In regard to claim 8 (Previously Presented), Perlin and Mochizuki teach the method of

claim 3 and Mochizuki further teaches the method as further comprising: interacting between a

plurality of objects ('684; col. 53, ln. 51 through col. 54, ln. 7); and altering a state of at least one

object according to said interacting ('684; col. 53, ln. 51 through col. 54, ln. 7).

16.   Regarding claim 9 (Previously Presented), Perlin and Mochizuki teach the method of

claim 3 and Mochizuki further teaches the method as further comprising: receiving an external

input; and altering a state of at least one object according to said external input ('684; col. 47, ln.

40-52).

17.   In regard to claim 10 (Original), Mochizuki further teaches, wherein said external input is

provided through a user interface ('684; col. 47, ln. 57-64). Perlin also teaches external input

being provided through a user interface ('380; fig. 5).

18.   Regarding claim 11 (Original), Mochizuki further teaches wherein said user interface is

for interacting with a computer game ('684; col. 18, ln. 64 through col. 19, ln. 15; col. 20, ln. 10-

17).

19.   In regard to claim 12 (Previously Presented), Perlin and Mochizuki teach the method of

claim 3 and Mochizuki further teaches wherein said detecting said state is performed by a state

engine ('684; fig. 5, process 70 and process 72; col. 6, ln. 33-66), and wherein said creating the

animation is performed by an animation engine ('684; fig. 5, eighth through tenth stage; col. 52,

ln. 17-63), the method further comprising: receiving a command from said state engine ('684;

fig. 5, output of process 68 as input to process 70 or process 72); parsing said command to

determining said state of said object ('684; fig. 5, process 70 or process 72); and translating said

command to a format for said animation engine for creating the animation ('684; fig. 5 process

71 or process 74 and process 75; col. 56, ln. 34 through col. 57, ln. 54).

20.   Claims 13-33 (Withdrawn).

Response to Arguments

21.   Applicant's arguments with respect to claims 1-12 have been considered but are moot in

view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Edward Martello whose telephone number is (571) 270-1883.

The examiner can normally be reached on M-F 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xiao Wu can be reached on (571) 272-7761. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Edward Martello/
Examiner, Art Unit 2628